

Chairman; Mr Troy Buswell; Mrs Michelle Roberts; Mr Murray Cowper; Mr Paul Papalia; Ms Jaye Radisich;  
Mr Mick Murray; Dr Kim Hames

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**Division 36: Consumer and Employment Protection - Service 2, Safety and Employment Protection,  
\$43 349 000 -**

Mr P.B. Watson, Chairman.

Mrs M.H. Roberts, Minister for Employment Protection.

Mr B.T. Bradley, Director General.

Ms S. Barrera, Executive Director, Labour Relations.

Mr D. Goodwin, Director, Finance and Administration.

Mr M. Russell, Executive Director, Resources Safety.

Mr G.W. Wood, Director, Energy Safety.

**The CHAIRMAN:** This estimates committee will be reported by Hansard staff. The daily proof *Hansard* will be published by 9.00 am tomorrow.

The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. This is the prime focus of the committee. While there is scope for members to examine many matters, questions need to be clearly related to a page number, item, program, or amount within the volumes. For example, members are free to pursue performance indicators that are included in the budget statements while there remains a clear link between the questions and the estimates. It is the intention of the Chairman to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information she agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister's cooperation in ensuring that it is delivered to the committee clerk by 8 June 2007, so that members may read it before the report and third reading stages. If the supplementary information cannot be provided within that time, written advice is required of the day by which the information will be made available. Details in relation to supplementary information have been provided to both members and advisers and, accordingly, I ask the minister to cooperate with those requirements.

I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk's office. Only supplementary information that the minister agrees to provide will be sought by 8 June 2007.

It will also greatly assist Hansard if when referring to the program statements volumes or the consolidated account estimates, members give the page number, item, program and amount in preface to their question.

**Mr T. BUSWELL:** I refer to "Major Policy Decisions" on page 655. The second line shows a budget estimate this year of \$431 000 for the wonderfully entitled "Fair Employment Advocate for Western Australia". I am guessing that this figure relates to the recently-publicised appointment of Helen Creed to this position. Does a staffing or resource allocation go with that position or is that money for her salary allowances and associated on-costs?

**Mrs M.H. ROBERTS:** That money is for associated on-costs related to that position.

**Mr T. BUSWELL:** Is it possible to get a breakdown of that \$431 000 for this budget estimate?

**Ms S. Barrera:** I do not have the exact figure in front of me but it does include the salary for the Fair Employment Advocate and an administrative support officer for the remainder of this financial year. The bulk of the money this financial year is for an awareness campaign that will promote the services that the Fair Employment Advocate will be providing. That is due to kick off before the end of the financial year.

**Mr T. BUSWELL:** I am looking at the budget estimate for 2007-08. There is a budget allocation of \$431 000. Does that include some of Ms Creed's salary? Does she have support staff and other costs?

**Ms S. Barrera:** She has one administrative support officer and there will be a second round of an awareness campaign in the next financial year, which that budget covers.

**Mr T. BUSWELL:** When will that awareness campaign occur?

**Mrs M.H. ROBERTS:** It is envisaged that it will commence this financial year and continue on into the next financial year.

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**Mr T. BUSWELL:** Will it occur in the first couple of months of the next financial year? Are we looking at the back half after the federal election or before?

**Mrs M.H. ROBERTS:** We are looking at informing people of the appointment of the Fair Employment Advocate and making people aware of the services provided.

**Mr T. BUSWELL:** What performance indicators have been put in place to guide Ms Creed in her employment? Could I be enlightened as to her salary package for 2007-08?

**Mrs M.H. ROBERTS:** There will need to be support for the Fair Employment Advocate by providing policy, legal and investigative services. Essentially, I would expect the Fair Employment Advocate to investigate complaints of harsh, unfair or potentially exploitative workplaces and to follow those through.

[3.10 pm]

**Mr T. BUSWELL:** How would she follow through on those, given that she has no jurisdiction?

**Mrs M.H. ROBERTS:** There are legal requirements that must be followed. In many cases when inspectors from the Department of Consumer and Employment Protection go to workplaces, they provide notices of breaches. If exploitative workplace practices were found, it can be expected that they would be illegal practices, and the appropriate action would be taken.

**Mr M.J. COWPER:** Why do we have a duplication of services? Why has the industrial relations section of DOCEP, which is dealing with these issues, not now been tasked to the so-called Fair Employment Advocate?

**Mrs M.H. ROBERTS:** This is a matter of providing a strategic response to target this area of unfair employment. I expect that the Fair Employment Advocate will work with other officers of the department. They will work in conjunction with each other rather than separately.

**Mr M.J. COWPER:** Does the minister not consider that to be a duplication of the existing process?

**Mrs M.H. ROBERTS:** No, I do not.

**Mr P. PAPALIA:** I refer to the second dot point on page 660 under the heading "Major Achievements For 2006-07". Will the minister inform members of the action taken to ensure that migrant workers on 457 visas receive the pay and conditions that they are entitled to?

**Mrs M.H. ROBERTS:** I thank the member for the question. Over the past two years, the compliance and education director of the labour relations division has been working to ensure that migrant workers receive their full employment benefits. These activities followed complaints received from various places, including in particular from the restaurant, manufacturing and construction sectors in previous years. Between 1 July 2005 and 30 April 2007, more than \$50 000 was recovered in employment entitlements to employees who were working on 457 visas in the restaurant, food processing and construction and engineering industries. A proactive investigation campaign has started. Sixteen employers in the state's industrial relations jurisdiction have employed people on 457 visas. The department has worked with other states and the commonwealth government to ensure that proper safeguards are in place for the use of 457 visas. Those safeguards include labour market testing to ensure that employers seeking 457 visa workers have established that the required labour is not already available in Western Australia. They also look to ensure that the proper salary levels are in place and that appropriate skills and English language assessments of 457 visa applicants are conducted. I understand that the department is also liaising with regional certifying bodies to develop a process to ensure that employers who are seeking to engage 457 visa holders comply with their obligations under industrial laws. This is a significant focus for the department.

**Mr M.J. COWPER:** I refer to the third dot point under major achievements on page 660, which states that the government has -

Established a Western Australian Fair Employment Advocate to provide independent advice and assistance to employees, investigate harsh, unfair and exploitative work practices, and mediate and advocate on behalf of employees who are being exploited, particularly low paid and vulnerable employees.

I refer to the appointment of Helen Creed to that position. Where was that job advertised? What were the selection criteria? Who sat on the on the panel; and, who ultimately made the appointment?

**Mrs M.H. ROBERTS:** I can answer some of those questions but I might ask one of my advisers to assist. That job was advertised widely; indeed, it was advertised Australia-wide. Mr Brian Bradley was on the panel. He may be able to comment on the process.

**Mr M.J. COWPER:** How many applicants were there?

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**Mr B.T. Bradley:** I was the chair of the panel, Susan Barrera was a member of the panel and Tarna Bulman from the Employment Law Centre of WA Inc was the third member of the panel. The job was advertised nationally. There were five applicants and we interviewed four.

**Mr M.J. COWPER:** What were the selection criteria?

**Mrs M.H. ROBERTS:** That information is publicly available.

**Mr B.T. Bradley:** It was a senior executive services assessed position. It was a public service position and, therefore, there is a job description form. The essential criteria it covered include employment advocacy service, strategic focus and reporting requirements. I have a job description form here if the minister wishes to table it.

**Mr M.J. COWPER:** Is the document that was subject to the selection panel available for the public to look at to see how the other applicants' mark compared with the successful applicant?

**Mrs M.H. ROBERTS:** No, that would be a breach of privacy. No-one in the public sector who applies for a job, including for positions in the senior executive service such as this one, would expect the report of their performance at the interview or the like to become a public document.

**Mr M.J. COWPER:** I understand the reasons for that. It was a good answer and was the answer that I was looking for. Is someone reviewing that situation? Is the document able to be examined by the Auditor General or some other body that can ensure the people of Western Australia that they are getting the best person for the job?

**Mrs M.H. ROBERTS:** We are getting away from the estimates. There are appeal processes in place for public sector appointments. Questions of that nature are probably better addressed to the Minister for Public Sector Management.

**Ms J.A. RADISICH:** I refer to the fifth dot point under major achievements on page 660 of the *Budget Statements* regarding a pay equity resource package. What is in the package? How far has it been spread? What is the take-up rate of the suggestions and programs within that package? The Office for Women's Policy has been doing work on the gender equity gap. Has the department been working in concert with that office or are there two streams of activity occurring within government?

**Mrs M.H. ROBERTS:** In 2006 a pay equity unit was established in the Department of Consumer and Employment Protection. Its role is to work with employers, employees, unions and the community to raise issues of pay equity and implement strategies to deal with the gender pay gap. Unfortunately, as the member is no doubt aware, Western Australia has one of the highest gender pay gaps of all the states in Australia. Currently there is a 25 per cent disparity in pay between men and women in the state. The priority of the strategy is to focus on education and awareness raising. The unit's initial consultation with the community on pay equity revealed a very low level of understanding of the issue. A key achievement of that pay equity unit has been the development of a pay equity resource package for employers and employees. That package helps employers to undertake a pay equity audit. I understand also that the package has been picked up nationally and that some of the other states have adopted that package. It has been picked up Australia-wide by the Equal Opportunity for Women in the Workplace Agency, which has placed our resource package on its website.

[3.20 pm]

**Mr T. BUSWELL:** I refer to the second dot point on page 662 that talks about state legislative responses, and another dot point that talks about keeping public sector workers in the state industrial relations system. It is about protecting Western Australians from this nasty WorkChoices legislation.

**Mrs M.H. ROBERTS:** We are not allowed to mention that any more; they are dirty words!

**Mr T. BUSWELL:** In relation to the use of corporations power by the federal government and the state industrial relations system, I want to understand exactly what the government's position is this week in terms of which powers it will cede to a federal system if Labor wins government in the federal election later this year. It has major implications for some budgetary items contained in this appropriation. Is it the view of the government that the state industrial relations powers for non-public sector workers will be ceded completely to the commonwealth if Labor wins the federal election?

**The CHAIRMAN:** I think that is stretching it a bit.

**Mr T. BUSWELL:** With all due respect, Mr Chairman, it will have a major impact on items such as this that have a certain budgetary allocation based on the assumption that that will not happen. It has been widely publicised that this government is prepared to cede the state's IR powers as they relate -

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**The CHAIRMAN:** This is not a time for political statements. We are trying to look at budget line items. I think the member is sailing a bit close to the wind and should get to the budget item he is talking about.

**Mr T. BUSWELL:** I am talking about the second dot point on page 662, which refers to this very issue. The point I am trying to make is that the need to go through this legislative response will be lessened, if not negated completely, if the state cedes its IR powers to the federal government, as several ministers, including I think the Premier, have suggested may happen. I want to know what the government's position is this week.

**Mrs M.H. ROBERTS:** I tend to agree with you, Mr Chairman, that the member is pursuing policy items rather than budget items, and I think he is drawing a long bow. There is a reference in both the first and second dot points on page 662 to WorkChoices, a phrase no longer uttered by the federal government.

**Mr T. BUSWELL:** What is your view this week?

**The CHAIRMAN:** Member for Vasse, let the minister answer the question.

**Mrs M.H. ROBERTS:** The member for Vasse has referred to the federal Workplace Relations Amendment (Work Choices) Act 2005. That relies on the corporations power of the Australian Constitution to establish a federal industrial relations jurisdiction. However, the principles underpinning WorkChoices directly contradict the principles and policies of our government and represent an unprecedented attack on the rights of employees. We know the federal government has abolished award safety nets, that it has reduced job security and removed unfair dismissal protection for many -

**Mr T. BUSWELL:** These answers from the heart will bring us to tears!

**The CHAIRMAN:** I know in the chamber the member for Vasse normally likes to have a say on everything. This is estimates; it is completely different. When he asks a question, he should please let the minister answer it.

**Mrs M.H. ROBERTS:** It has also resulted in reducing minimum protections available to employees. It has undermined the role of the independent umpire and clearly undermined the role of unions. Employees have been forced onto AWAs. The challenge by the state to the constitutional validity of WorkChoices resulted in the High Court upholding the legislation. The High Court did not settle the definition of a constitutional corporation, nor did it consider the extent of the application of the corporations power to state governments as employers. There is a whole range of issues at play here. The member for Vasse is getting at whether we have any current proposal to cede power. Although I do not think that is actually within the ambit of the estimates debate today, we are not currently proposing to cede any power to the commonwealth.

**Mr M.J. COWPER:** I refer to the establishment of the Western Australian Fair Employment Advocate, outlined on page 660. If I was one of the people whom the minister just described as downtrodden in Western Australia because of the fact that they are earning more money than anywhere else in Australia and I wanted to find my way to the Office of the Fair Employment Advocate, Helen Creed, where would I go? What sort of infrastructure does she have in respect of support roles and people on the ground?

**Mrs M.H. ROBERTS:** I realise this is a matter of some sensitivity to opposition members, and for one reason or another they do not appear to support the appointment of Helen Creed, let alone the appointment of a Fair Employment Advocate. We believe there is a legitimate role to be played to assist those people who are most vulnerable in the workforce. I understand the member for Murray has asked a process question of how someone would access the service and where they would go, so perhaps for the benefit of the committee today I will ask Ms Barrera to go through that process so that members will understand how someone would access the Fair Employment Advocate.

**Ms S. Barrera:** The Fair Employment Advocate took up her position yesterday, so she has not had much time to establish infrastructure. We will be publicising ways of accessing her and her services. If people are very keen on contacting her now, we in the labour relations division are supporting the Fair Employment Advocate, and contact can be made through my office.

**Mr M.J. COWPER:** Further to that question, can someone direct me to where in the budget papers there may be some costings for putting in place this office?

**Mrs M.H. ROBERTS:** The member for Vasse has already highlighted the line item.

**Mr M.J. COWPER:** He asked a question and the minister said it was not related to that particular matter, so I was looking for where it may appear.

**Mrs M.H. ROBERTS:** The line item has already been highlighted by the member for Vasse. He came up with the figure in his first question today.

**Mr T. BUSWELL:** I did not make it up.

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**Mrs M.H. ROBERTS:** No, it was good. The member was accurate.

**The CHAIRMAN:** The member for Collie-Wellington.

**Mr T. BUSWELL** interjected.

**Mr M.P. MURRAY:** As usual the member for Vasse has to have his two bob's worth before anyone else.

I refer to the first dot point in the list of major achievements on page 660 that relates to attraction and retention strategies being developed and promoted particularly for mature age workers. I might be looking for a job! It also refers to working parents and talks about addressing the labour and skill shortages. What exactly has the government done to attract and retain mature age workers in the workforce and how will this address the current labour and skill shortage in the future?

**Mrs M.H. ROBERTS:** I thank the member for Collie-Wellington for the question. We certainly value mature age workers in the workforce, and we are doing our best to attempt to promote the continued employment of mature age workers and their recruitment. Our government developed a mature age employment strategy to attract and retain mature age employees in the workforce. This was a major initiative under the active ageing strategy of 2004, and was launched in November 2005. Under this strategy so far, the government has developed a range of publications for employers and mature age employees in both the public and private sectors to raise their awareness of the need for, and the benefits of, mature age employees remaining actively engaged in the workforce, and the range of options and strategies that employers can apply to attract and retain mature age employees so that they can consider an alternative to retirement. We have also developed various website information pages, guides and fact sheets to assist employers and mature age employees. A dedicated work balance website is at [worklife@wa.gov.au](mailto:worklife@wa.gov.au). We have also developed a modest statewide advertising campaign to promote mature age employment using radio and press advertisements, media releases and some case study stories. I was pleased recently to attend a breakfast, attached to which was a half-day seminar on the business case for, and strategies to retain, mature age talent in the workforce. The guest speaker for that seminar was Professor Louise Rolland from Swinburne University of Technology in Melbourne. I know people had a very enthusiastic response to that seminar.

[3.30 pm]

Quite clearly, our government recognises the need to address labour and skills shortages by not only attracting new labour from outside the state, but also looking to attract back into the workforce Western Australians who have skills, particularly women and mature age employees. We are campaigning on the benefits of retaining the knowledge, skills and experience of mature age workers in the workforce and, when we can, getting employers to provide more attractive working arrangements for them. Given the great need in this state for labour, there might need to be more options for mature age people to work part-time and, in a sense, edge a little towards retirement rather than going from full employment to retirement.

**Mr P. PAPALIA:** I refer to major achievements for 2006-07 and the second dot point on page 661. It is also covered in initiatives for the next financial year. Does the ThinkSafe small business strategy provide support to regional and remote small businesses, and, if so, what special concessions are they provided with?

**Mrs M.H. ROBERTS:** Yes. The program to which the member for Peel referred provides free assistance to small businesses in all areas of Western Australia. I am advised that almost half the businesses visited by ThinkSafe consultants since the program commenced have been located in regional and remote parts of our state. The program coordinates a series of regional visits throughout the year. In 2006-07, successful visits were conducted in the Kimberley, Pilbara, mid-west, goldfields, great southern and wheatbelt regions. Local chambers of commerce, small business centres and regional media have been central to the promotion of those visits. Small businesses in the south west region enjoy year-round access to the program, with five of the 18 ThinkSafe consultants based in the south west region. We think the program is providing a great degree of flexibility and that it is very easily accessed by people in regional areas, particularly in the south west of Western Australia.

**Mr T. BUSWELL:** I refer to controlled grants on page 670. According to the budget papers, the Union Education Foundation received payment of \$1.5 million from your government in 2005-06. From my recollection of the payment of that money, it was funding to support an education program aimed primarily at improving employer retention skills and the capacity for enterprise bargaining for union representatives. Given that money was paid, I believe, towards the end of 2005-06, how many Western Australians received education through that foundation during 2006-07? How many Western Australians received training for that \$1.5 million of taxpayers' funds that the minister's government paid to the ACTU?

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**Mrs M.H. ROBERTS:** These funds were set up in a range of states, including New South Wales, Victoria, Queensland and South Australia, which have all provided contributions to the union education fund. In answer to the questions the member for Vasse asked, the answer is no-one because the money has not been expended yet. I understand the money is held in a trust fund at this point. I cannot advise how many people have accessed the fund because, at this stage, the funds have not been made available by the trust fund board.

**Mr T. BUSWELL:** Do I understand that a specific trust fund, which is held by the union education fund, an affiliate body of the ACTU, in which \$1.5 million has been warehoused, is specifically tied to the training of people in Western Australia? Or is it not the case that that money was paid with no strings attached to this subsidiary of the ACTU and that it is not in a trust fund and that no training will ever be provided for people in Western Australia? I think the minister needs to be a little bit careful about how she answers my question, because there are quite different outcomes.

**Mrs M.H. ROBERTS:** The whole nature of a trust fund is to have moneys placed in trust for a specific purpose. Those funds are not permitted to be used for other purposes.

**Mr T. BUSWELL:** I want to be 100 per cent sure. Is the minister saying that the money her government paid to the union education fund in the 2005-06 financial year has been placed by that fund, the Union Education Foundation, into a specific trust fund and can be used only for the purposes of providing education to people in Western Australia?

**Mrs M.H. ROBERTS:** I might ask Mr Bradley to respond to the specific questions.

**Mr B.T. Bradley:** Yes; the money has been put into a trust that is controlled by the board. The board members included CEOs from the Australian Industry Group and Corrs, Chambers, Wesgarth, the ACTU president and secretary and the New South Wales Labour Council secretary. It is chaired by a former Prime Minister.

**Mr T. BUSWELL:** I am fully aware of who is on the board, funnily enough. I want to understand again: that money is in a trust account, as the minister said, specifically tied to the ultimate provision of training for Western Australians?

**Mr B.T. Bradley:** Correct.

**Mr M.J. COWPER:** I refer to major initiatives for 2007-08. The second dot point on page 626 states -

Develop State legislative responses to provide greater protection and options for employees adversely affected by Work Choices legislation.

Will the minister amend the act in relation to union bargaining fees imposed by the state award, as opposed to what is currently provided for under the WorkChoices legislation? Is that on the radar?

**Mrs M.H. ROBERTS:** Is the member referring to the third dot point on page 662?

**Mr M.J. COWPER:** The third dot point under the heading, which is second from the top of page 662.

**Mrs M.H. ROBERTS:** The second dot point from the top, which states -

Develop State legislative responses to provide greater protection and options for employees adversely affected by Work Choices legislation.

What is the member asking in relation to that?

**Mr M.J. COWPER:** My question is about union bargaining fees currently being charged by unions. Is one of the government's initiatives that it is looking forward to promoting this year to amend legislation in relation to union bargaining fees?

**Mrs M.H. ROBERTS:** By union bargaining fees -

**Mr M.J. COWPER:** The fact that they charge up to \$500.

**Mrs M.H. ROBERTS:** Does the member mean to non-union members?

**Mr M.J. COWPER:** Yes.

**Mrs M.H. ROBERTS:** That is not supported by our government, and I think the Premier made that clear last week.

**Mr M.J. COWPER:** Does the government intend to include that in legislation? I understand it is against the law under the federal system. Will the government move also to make it against the law under the state award?

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**Mrs M.H. ROBERTS:** That is a possibility. The charging of those bargaining fees to non-union members is not something that the Carpenter government supports. We have made that clear.

**Mr M.J. COWPER:** Nonetheless, it still happens.

**Mrs M.H. ROBERTS:** If the member for Murray can highlight examples to me of where it is occurring, if he believes it to be occurring, I will certainly look at amending legislation.

**Mr M.J. COWPER:** I will get back to the minister.

**Mr M.P. MURRAY:** I refer to several dot points under major achievements for 2006-07. How will the government advise industry about the commencement of the requirements for new licences for persons performing high-risk work?

[3.40 pm]

**Mrs M.H. ROBERTS:** I thank the member for Collie-Wellington for the question. More information needs to be provided on the new licence to perform high-risk work. Considerable work has been done through the Commission of Occupational Health and Safety directly with the stakeholders to provide relevant information. In addition, I understand the WorkSafe division of the Department of Consumer and Employment Protection will be implementing a comprehensive communication campaign that will include regular and ongoing communication over the coming months using a range of methods that will include radio and press advertising, media releases, fact sheets, articles in relevant trade journals, local press, direct mail outs and the use of stakeholder networks. We are also considering forums and other information sessions so that people can get up to date with the most recent information on the new licence to perform high-risk work.

**Dr K.D. HAMES:** I come back to the dot point relating to the \$1.5 billion in the union fund. It took a fair bit to say that it was quarantined in the trust fund for Western Australians. I want to confirm what requirements are in place to ensure that the entire amount of \$1.5 billion will be for Western Australians. The minister's adviser said at the end of his contribution that, yes, it was for Western Australians. What are the time constraints for spending that money? It was allocated in 2005-06 and we are almost at 2007-08. It is a long time for that money to sit in a fund and not be spent for the purpose for which it was given.

**Mrs M.H. ROBERTS:** The member would no doubt be aware that I have been the minister for this portfolio for a relatively short time - only a couple of months - and this is not something in which I have been directly involved. I am not sure I can answer the question. However, there is a defined purpose to the fund and moneys must be spent in accordance with that purpose. There is not necessarily any benefit to be gained from pushing people to expend the moneys before they are ready or before they have properly planned the execution of those funds. The fact that the money has not been spent does not necessarily concern me. I want to ensure that the funds are spent for the purpose for which they have been dedicated.

**Dr K.D. HAMES:** Further to that, I am aware that the minister has not been in her current portfolio for long and is not in a position to know those details. I ask that the minister provide as supplementary information whatever requirements were placed on that money being spent when the arrangement was reached with the Australian Council of Trade Unions to provide that money.

**Mrs M.H. ROBERTS:** I will provide that by way of supplementary information.

[*Supplementary Information No B4.*]

**Mr M.J. COWPER:** The first dot point on page 662 states -

Develop and implement strategies to manage the effects of the Work Choices legislation on public sector employment conditions; preserve the integrity of the State Government's labour relations policies; and facilitate labour relations coordination across the sector.

Has the department conducted any analysis into the impact on the state economy of the removal of AWAs; and, if not, why not?

**Mrs M.H. ROBERTS:** I think the member is actually on the wrong track. The dot point that the member referred to is actually about public sector employment conditions. There are not any AWAs in the public sector.

**Mr M.J. COWPER:** My question is: what impact will AWAs or independent agreements have on the economy?

**Mrs M.H. ROBERTS:** Therefore, the member does not have a point to ask his question from. This is specifically about the public sector.

**Mr M.J. COWPER:** I will find one and get back to the minister.

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**Mr P. PAPALIA:** My question relates to the fourth dot point on page 660 under major achievements, and the fifth dot point on page 662 under major initiatives. Why is the government introducing legislation to establish the state as the single employer in the public sector?

**Mrs M.H. ROBERTS:** I thank the member for Peel for the question. As members are aware, given the federal government's Workplace Relations Amendment (Work Choices) Act 2005, which relies on the corporations power of the Australian Constitution to establish its jurisdiction, I have already pointed out that the states challenged the constitutional validity of WorkChoices, and it resulted in the High Court upholding the legislation. However, the High Court neither settled on the definition of "constitutional corporation", nor the extent of the application of corporations power to state governments as employers. There is every possibility that public sector statutory bodies that engage in trading or financial activities could be assessed to be constitutional corporations. In other words, many public sector statutory authorities may be subject to WorkChoices. Without policy intervention, the employees of these authorities are not afforded the protection of public sector working conditions. That concerns this government. The government's ability to manage its workforce in accordance with its principles and policies is directly impacted upon where WorkChoices applies. Therefore, the government is determined that the state will become the single employer in the public sector. In doing so, Western Australia will be joining some of the other states, including New South Wales, South Australia and Queensland, that have already taken action in this regard. State employment will prevent the operation of WorkChoices and establish a state industrial system as the jurisdiction for all public sector employment arrangements. The government believes that the state system offers a much better balance between the rights and obligations of employees and employers and a role for the independent umpire to settle disputes in the public interest. In addition, state employment maintains the right of the state government to manage its workforce without interference from the federal government.

**Ms J.A. RADISICH:** The first dot point on page 661 refers to proactive compliance campaigns in terms of retail employees and to ensuring that they receive the pay and conditions to which they are entitled. What has been happening in the retail sector that has concerned the department, what have the department's compliance inquiries unveiled and what hope do retail employees have for the protection of their working conditions?

**Mrs M.H. ROBERTS:** I thank the member for Swan Hills for the question. The compliance and education directorate provides advice, education and compliance services to ensure that employees receive their entitlements. Wageline provides free advice and information to employees and employers on their rights and obligations under state awards, agreements and legislation. Employees are educated about their employment through seminars, the use of the labour relations division website and proactive education campaigns, such as the recent ones we had in the retail sector in Victoria Park and Osborne Park and in the hairdressing industry. Education campaigns are also being developed to ensure that vulnerable groups of workers, such as immigrants and young workers, are aware of their employment rights. Through the industrial inspectorate, I advise that from 1 July 2006 to 30 April 2007, 300 complaint files were closed and over \$692 000 was recovered in unpaid entitlements for employees. Over the same period, 18 prosecutions were initiated against employers failing to comply with state awards, agreements or employment legislation, including six finalised prosecutions against employers in the fast-food industry who were convicted of breaches of the Children and Community Services Act. Those prosecutions resulted in some \$102 000 worth of fines.

**Dr K.D. HAMES:** There are five or six areas under employment protection. We have tried to even our time throughout this process to cover everything. I hope that there is another section under employment protection that deals with the registrar and the Industrial Relations Commission. We might finish this section if there are no more questions.

**The appropriation was recommended.**

[3.50 pm]